

REMARKS

Applicants express their appreciation to the Examiner for conducting a telephone interview on March 14, 2006. During the interview, Applicants discussed with the Examiner the issues raised by the Examiner in the final office action mailed on January 18, 2006.

This is in response to the Final Office Action dated January 18, 2006 rejecting claims 1-4 and 6-36. Claims 1, 18 and 19 are amended. Claim 5 stands cancelled. Claims 1-4 and 6-36 remain pending. Reconsideration is respectfully requested in view of the following remarks.

Claim Rejections under 35 U.S.C. §103(a)

A. Haynes (4725442) in view of Burke (5552156)

The Examiner rejected claims 1-4, 6-8, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over Haynes (4725442) in view of Burke (5552156). Applicants respectfully traverse the Examiner rejection based on the following reasons.

Pursuant to MPEP 2143, “The prior art reference (or references when combined) must teach or suggest all the claim limitations.” To expedite prosecution, Applicants have amended claim 1 to include “are multi-lamellar vesicles.” The support for the amendment can be found on page 6, paragraph 0076. The claim amendments are made to expedite prosecution, and we reserve our arguments previously made in the prosecution that the claimed invention still was patentable over the cited references of record.

Applicants respectfully state that neither Haynes et al nor Burke et al disclose phospholipids in the form of multi-lamellar vesicles. Since neither of the cited references teaches nor suggests the claim limitations, withdrawal of this rejection is respectfully requested.

B. Haynes cited above in view of Burke cited above, further in view of WO 99/61001

The Examiner rejected claims 9-11 and 18-36 under 35 U.S.C. 103(a) as being unpatentable over Haynes cited above in view of Burke cited above, further in view of WO 99/61001. For all the reasons mentioned above, these claims are also allowable as they

contain similar limitations. Applicant respectfully requests the withdrawal of the obviousness rejection under 35 U.S.C. 103(a).

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested. The Examiner is invited to contact counsel for the Applicants to address any questions or concerns. Given the status and history of this application, an Examiner Interview would be most appreciated.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 12636-898).

Respectfully submitted,

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